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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,135

10/29/2003

Robin Warren Shuman

5518

7590

07/26/2006

Robin W. Shuman  
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EXAMINER

BAHTA, ABRAHAM

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/696,135

Applicant(s)

SHUMAN, ROBIN WARREN

Examiner

Abraham Bahta

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities: The specification lacks Detailed Description of The Invention.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected as failing to define the invention in the manner required by 35 US 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a

manner as to present a complete operative device. A claim may be typed with the various elements subdivided in paragraph form. There may be plural indentions to further segregate subcombinations or related steps.

The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2 the Examiner is unsure what "liquid return shoot" means. In addition it is not clear where the liquid is being returned.

In claim 5, the Examiner is unsure what "high-pressure side of pump" means. Particularly it is not clear what "side of pump" means.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hoce (USP 5,846,334).

Hoce teaches a portable suction device (col. 3, lines 16-24) comprising of a steerable wheeled (col. 6, lines 6, and lines 22-26) metal frame (col. 3, lines 44-45).

Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Ernryd (USP 6,660,160).

Ernryd teaches a container (1) comprising separator (wire grid) (8) with liquid return shoot (outlet 3). See col. 2, line 66 through col. 3, line 10.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Hollrock et al (USP 3,995,759).

Hollrock teaches a golf retriever capable of being powered by gas driven golf cart or similar vehicle having pushing hitch frame (18) connected to its front end. See col. 3, lines 1-4. The retriever is considered to comprise a motor.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al (USP 4,822,106).

Wilson et al teach a high pressure water produced by pump (22) supplied through a flexible, high-pressure water discharge tube (25). See col. 1, lines 5-8 and col. 3, lines 31-36.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Duncan et al (USP 4,712,740).

Duncan et al teach a venturi system (col. 1, lines 10-12, 64-67) powered by forced pressure provided by pump (62). See col. 3, lines 47-53 and col. 6, lines 63-67.

Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Brocking (USPAP 2004/0021030).

Brocking discloses one end of a vacuum hose connected to a vacuum head having an adjustable pole attached for the purpose of maneuvering the vacuum head. See page 1 paragraph 0002.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Gleadall (USP 5,048,148).

Gleadall teaches an apparatus comprising a rotating/frame (220), hose (162) and venturi (218). See col. 7, lines 12-38 and figures 1-2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belfield (USP 5,419,495) in view of Trana et al 5,911,623).

Belfield teaches a device comprising suction hose (76) attached to a venturi (42). See col. 3, lines 10-15 and figure 3).

Belfield does not specifically mention that the length of the suction hose is variable; however, a suction hose having a variable length so that the hose may have an adjustable desired length is known. Trana et al teach an exhaust extractor device having a suction hose (5,6) wherein the hose has a variable length. See col. 2, lines 17-19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a variable suction hose to the device of Belfield so that the hose may have an adjustable desired length.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ernryd in view of Williams.

As discussed above, Ernryd teaches a container (1) comprising separator (wire grid) (8) with liquid return shoot (outlet 3). See col. 2, line 66 through col. 3, line 10. As shown in figure 1, the outlet (3) is located above the grid (8).

Ernryd does not require a discharge hose attached to a venturi; however, Williams teaches a discharge hose mounted on a venturi. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a discharge hose attached to a venturi in order to discharge pressurized liquid through the outlet (3) of Ernryd.

### ***Conclusion***

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or

agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abraham Bahta whose telephone number is (571) 272-1532. The examiner can normally be reached on Monday - Tuesday; 11:30 am - 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Bahta  
07/14/06



GLADYS J. CORCORAN  
SUPERVISORY PATENT EXAMINER